IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11270 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AMIPARA RAJIVKUMAR GANDALAL - Petitioner(s)
Versus
REGIONAL PASSPORT OFFICER - Respondent(s)

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Appearance :
MR HM PRACHCHHAK for Petitioner(s) : 1,
MR SUNIL PATEL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 07/05/2007

ORAL JUDGMENT

1. **RULE**. Mr. Sunil Patel learned Central Government Standing Counsel waives service of rule on behalf of the respondent. At the request of the parties, the matter is taken up for final hearing today itself.

2. The petitioner has approached this Court praying for appropriate direction on the respondent authority to carry out necessary correction in his passport on the basis of the birth certificate. It is averred in the petition that in the passport his birth date has been entered on the basis of the school leaving certificate which does not reflect his correct date of birth. He, therefore, wants to get it corrected in the passport.

3. I have heard Mr. H.M. Prachchhak learned advocate for the petitioner and Mr. Sunil Patel learned Central Government Standing Counsel for the respondent. I have also perused the contents of the petition together with annexures. This Court has often held that the birth certificate is the authenticate document, so far as the date and place of birth are concerned. It will prevail upon any other document that may come into existence subsequently. Hence, the grievance of the petitioner can be taken care of by passing following direction.

3.1. The respondent is directed to consider the application for issuance of passport of the petitioner on the basis of the birth certificate and if all other documents are found to be in order, the same may be

issued, if necessary and if otherwise he is not found ineligible.

3.2. Since this exercise is required to be carried out because of the fault on the petitioner's side, the petitioner is directed to pay costs of Rs.2,500=00.

4. The petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

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